

**DRAFT CONDITIONS OF APPROVAL
YUBA COUNTY DEVELOPMENT REVIEW COMMITTEE**

**Applicant/Owner: Matthew Mauk
APN: 020-030-048**

**Case Number: CUP-25-0001
Public Hearing Date: TBD**

ACTIONS FOR CONSIDERATION: Staff recommends the Development Review Committee take the following actions:

- I. Approve Minor Use Permit CUP-25-0001 subject to the conditions below, or as may be modified at the public hearing, making the findings made in the Staff Report, pursuant to County of Yuba Title XI Section 11.57.060.

GENERAL CONDITIONS

- 1) As a condition for project approval, Owner or an agent of Owner acceptable to County shall defend, indemnify, and hold harmless the County and its agents, officers, and employees from any claim, action, or proceeding, against the County or its agents, officers, and employees; including all costs, attorneys' fees, expenses, and liabilities incurred in the defense of such claim, action, or proceeding to attack, set aside, void or annul an approval by the County, Planning Commission, Development Review Committee, or other County advisory agency, appeal board, or legislative body concerning the conditional use permit. County shall promptly notify owner of any such claim, action, or proceeding and shall cooperate fully in the defense of said claim, action, or proceeding.
- 2) Owner(s), Owner's agent(s) or Applicant shall comply with all applicable federal, state, and local laws, ordinances, and regulations, including the requirements provided by Chapter 11 of the Yuba County Development Code.
- 3) Unless specifically provided otherwise herein or by law, each condition of these Conditions of Approval shall be completed to the satisfaction of the County. Failure to comply with this provision may be used as grounds for revocation of this permit.
- 4) The Conditional Use Permit may be effectuated at the end of the ten (10) day appeal period which is **March 17, 2025**. Minor Use Permit CUP-25-0001 shall be designed and operated in substantial conformance with the approved conditional use permit as outlined in the approved site plan filed with the Community Development & Services Agency and as conditioned or modified below. No other expansion of uses are authorized or permitted by this use permit.
- 5) This conditional use permit approval shall be effectuated within a period of twenty-four (24) months from this approval date and if not effectuated shall expire on **March 6, 2027**. Prior to said expiration date, the applicant may apply for an extension of time, provided, however, this approval shall be extended for no more than ninety (90) days from **March 6, 2027**.
- 6) Minor modifications to final configuration of the conditional use permit may be approved by the Community Development and Services Agency Director.

PUBLIC WORKS DEPARTMENT:

- 7) The Public Works Director may reasonably modify any of the Public Works conditions contained herein.
- 8) Owner shall dedicate to the County of Yuba in fee simple, a 23.0-foot strip of land adjoining the centerline of Avondale Ave lying within the bounds of this property.
- 9) Road construction along Avondale Ave fronting this property shall meet the half-width requirements for an Urban Industrial/Commercial Road in conformance with the Yuba County Standard (Drawing 104) or as modified by the Public Works Director. Such standards include curbs, gutter, 6-foot detached sidewalk, and landscape, the median requirement is omitted.

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- 10) Owner shall construct bus turnouts along North Beale Road and Avondale Avenue fronting this development in accordance with Yuba Sutter Transit Facility design parameters.
- 11) Owner shall dedicate to the County of Yuba sufficient right-of-way in fee simple to allow for the construction of a bus turnout along the frontage of North Beale Rd and Avondale Ave within County right of way.
- 12) Owner shall provide and offer to dedicate to the County of Yuba a 10-foot easement along the street frontages of this property, measured from the County's right of way, for the purpose of public services, pedestrians, traffic signs and other facilities along street frontages of the property. Such public service easement shall be widened as necessary to accommodate utility facilities such as underground transformer boxes or for traffic signal control boxes to provide the required setbacks from sidewalks, or retaining walls as may be required by the utility companies and the Public Works Department.
- 13) Owner shall have a traffic study performed to determine the necessity of installing a traffic signal at the intersection of Avondale Avenue and North Beale Road. The traffic study shall be consistent with the requirements of the Yuba County General Plan. The traffic study shall analyze existing, existing plus project and cumulative (buildout conditions) with project. If warranted under existing plus project, two options exist. 1) Owner may construct the signal improvements with a reimbursement agreement for costs exceeding the project fair-share, to be reimbursed by the County over a 15-year period, or 2) Owner shall pay their fair share of the signal improvements prior to Certificate of Occupancy. Such fair share amount shall be determined by the traffic study.
- 14) Owner shall provide a streetlight plan to be approved by the Public Works Department should road construction require the relocation of existing streetlights or if additional streetlights are to be installed. Streetlights shall match the existing traffic corridor aesthetic.
- 15) All existing or proposed driveway encroachments onto Avondale Ave and North Beale Road shall conform to the current Yuba County Standards for a Commercial Driveway (Drawing No. 200) under permit issued by the Department of Public Works.
- 16) Improvement plans, prepared in compliance with Sections 3 and 7 of the Yuba County Standards shall be submitted to and approved by the Public Works Department prior to any construction. The initial submittal shall also include the necessary calculations for all improvements and associated drainage facilities along with the appropriate plan checking fees based upon a preliminary engineer's estimate. The engineer's estimate shall include estimated costs for the construction of the road and drainage improvements, landscaping requirements (if any), and construction staking. Such approvals shall include the alignment and grades of roads and drainage facilities.
- 17) All road and drainage construction required by these conditions of approval shall be inspected in compliance with Section 4 of the Yuba County Standards and approved by the Yuba County Department of Public Works. Owner's contractor shall meet on-site with the Public Works Department representative prior to the commencement of work to discuss the various aspects of the project.

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- 18) Any improvement work within the County right-of-ways for roadway connections and/or road widening or other improvements shall be accomplished under an encroachment permit issued by the Public Works Department. Improvement plans and associated checking and inspection fees shall be submitted to the Public Works Department for review and approval before any construction will be permitted within the County right-of-way.
- 19) Owner shall provide a one-year maintenance bond for all street and drainage improvements required by these conditions of approval.
- 20) Owner shall submit a drainage plan to provide for on-site and off-site storm water drainage for the project, designed by a registered civil engineer, to the Public Works Department for review and approval, prior to any construction. The drainage design for the project shall result in a zero percent increase in the storm water discharge from the project compared to the pre-development state using a 100-year storm event peak discharge. Owner shall construct such approved drainage facilities in order to provide drainage from access roads and lots to acceptable natural drainage courses.
- 21) Proponents of all applicable development and redevelopment projects will be required to submit a stormwater quality plan, including all temporary erosion and sediment control measures, site design measures, source control measures, treatment measures, and baseline hydromodification management measures for the project, designed by a registered civil engineer, in accordance with Sections 7.50 and 11.23 of the Yuba County Ordinance Code and Section 11 of the Yuba County Improvement Standards to the Department of Public Works for review and approval prior to construction and/or grading permit. Owner shall construct such management measures as per the approved plan prior to construction.
- 22) Prior to the approval of any grading permit or improvement plans, owner must submit documentation demonstrating that all necessary permits and approvals have been obtained, which may include: a 404 permit from Army Corps of Engineers; including Section 7 consultation with the U.S. Fish and Wildlife Service, 401 certification from the Regional Water Quality Control Board, 2081/1602 permit, as necessary, from the California Department of Fish and Wildlife, and pre-construction surveys for special status species.
- 23) Whenever construction or grading activities will disrupt an area of 1 acre or more of soil or is less than 1 acre but is associated with a larger common plan of development, it is required to obtain a National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction Activities, NPDES No. CAS000004, Order No. 2013-0001-DWQ. Coverage under the General Permit must be obtained prior to any construction. More information may be found at <http://www.swrcb.ca.gov/stormwtr/construction.html>. Owner must obtain an approved and signed Notice of Intent (NOI) from the Regional Water Quality Control Board (RWQCB), a Waste Discharge Identification (WDID) number and a Storm Water Pollution Prevention Plan (SWPPP), as described by either the RWQCB or the State Water Regional Control Board (SWRCB). The SWPPP shall describe and identify the use of Storm Water Best Management Practices (BMP's) and must be reviewed by the Yuba County Public Works Department prior to the Department's approval of Improvement Plans or issuance of a Grading Permit for the project. See Yuba County's Stormwater Regulations for Construction Activities Procedures for details. According to state law it is the responsibility of the property owner that the SWPPP is kept up to date to reflect changes in site conditions and is available on the project site at

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- all times for review by local and state inspectors. Erosion and sediment control measures, non-stormwater and material management measures, and post-construction stormwater management measures for this project shall be in substantial compliance with the SWPPP.
- 24) Owner shall submit an erosion and sediment control plan for the project, designed by a registered civil engineer, to the Department of Public Works for review and approval prior to each phase of construction and/or grading permit. Erosion and sediment control measures shall conform to Section 11 of the Yuba County Improvement Standards and all Yuba County Ordinance Codes. Owner shall implement such erosion and sediment control measures as per the approved plan prior to construction or grading.
 - 25) Strict control over dust problems created during construction shall be adhered to with regard to surrounding properties and public facilities. The construction specifications and/or improvement plans shall have items reflecting dust control measures in detail.
 - 26) Owner shall maintain all improvements required by these Conditions of Approval for a period of 12 months from the time the improvements are accepted by the Public Works Department.
 - 27) Owner shall be responsible for giving 60 days notice to the appropriate public utilities, PG&E, AT&T, Comcast, etc., prior to any new construction or development of this project.
 - 28) Owner shall provide all necessary street signs and pavement markings, including, but not limited to, street name signs, stop signs, speed limit signs, stop legends, limit lines, and crosswalks, as required by the Public Works Department.
 - 29) Owner, heirs or assigns of this property, or portions thereof, shall remove and/or relocate any fence(s) located within dedication(s) or offer(s) of dedication required by this division or within existing County easement(s) or right(s)-of-way which lies within or are adjoining this property. Any new fences installed shall be constructed outside the limits of dedications or offer(s) of dedication required by this division, existing County easements or right-of-ways.
 - 30) Prior to commencing performance of any public improvement or facility to be dedicated to County, and subject to approval by the Public Works Department, Owner shall acquire and present proof of general and automobile liability and Workers Compensation and Employers Liability insurance. Such general and automobile liability insurance shall name the County and its agents as additional insured.

ENVIRONMENTAL HEALTH DEPARTMENT:

- 31) No automotive repairs are to be made onsite.
- 32) Septic system is to be pumped and inspected by a septic pumping contractor prior to building permit approval.
- 33) Evaluation of estimated wastewater flows compared to capacity of septic system to be completed by qualified engineer prior to building permit approval.
- 34) Prior to final project approval, Environmental Health shall review and confirm compliance with setback and protection requirements for the existing well and septic system. No vehicular traffic shall be permitted over the septic system.

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CODE ENFORCEMENT DEPARTMENT:

- 35) No person or entity while making use of their special agricultural entitlement shall cultivate marijuana or hemp in violation of the Yuba County Ordinance Code. Violations related to marijuana or hemp shall have a daily Administrative Penalty imposed immediately upon the issuance of an Order to abate the public nuisance.
- 36) No person or entity shall cause, permit, maintain, conduct or otherwise allow a public nuisance to exist upon any property within the unincorporated area of the County as defined by the Yuba County Ordinance Code.

BUILDING DEPARTMENT:

- 37) All existing unpermitted buildings and structures must obtain as-built building permits prior to final approval of conditions. See Building Department for as-built application requirements.
- 38) All new/proposed buildings and structures shall obtain a building permit prior to construction. All new/proposed development must meet applicable requirements of most current adopted version of the California Code of Regulations, Title 24, and Yuba County Ordinance Code Title X, which includes, but is not limited to: Building, Plumbing, Electrical, Mechanical, Accessibility and Fire Code requirements.

CALTRANS:

- 39) Moving the transit facility from its current location in Marysville to the proposed location in Linda will change the bus traffic patterns. Please provide trip generation and trip distribution information to determine how many more buses will be using the State Route (SR) 70 on/off ramps. Queuing analysis at the North Beale Road onramp should also be included. A queuing analysis for the intersection of North Beale Road and Feather River Blvd should also be done to determine any impacts to the SR 70 on/off ramps.

RECLAMATION DISTRICT 784:

- 40) The project shall meet or exceed the requirements of the RD 784 Master Drainage Plan for Drainage Basin C, the Drainage Basin C-2 Zone of Benefit Report, all future revisions to the Drainage Basin C Master Drainage Plan for portions within Drainage Basin C, and all future revisions to the Drainage C-2 Zone of Benefit Report.
- 41) Reclamation District No.784 (RD 784) provides a range of drainage and flood control facilities. The stormwater collection and conveyance systems are owned and operated by County of Yuba and RD 784; however, RD 784 provides the terminal discharge of all stormwater through one of its ten pump stations. Pump Station No. 5 (PS #5), located on Avondale Avenue, is one of these pump stations and is in need of improvements or replacement, along with the addition of a detention pond, in order to accommodate future development within the basin that drains to Pump Station #5.

The improvements or replacement of the pump station, and the addition of a detention pond are required for two primary reasons. First, the existing pump station does not have sufficient pumping capacity to accommodate projected post-development flows. Second, to ensure that future flows do not exceed the capacity of downstream facilities, a buffer in the form of a detention pond is necessary. The Basin C-2 impact fee program was established to eventually fund these improvements. However, to date, very little development has occurred within Basin C2, resulting in limited fee collection—far short of the amount needed to fund the proposed improvements.

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As is typical of development impact fee programs, many public infrastructure improvements must be implemented upfront, before fee revenues are sufficient to fund them. Consequently, reimbursable developer funding may be necessary to cover the costs of design and construction for upgrades to Pump Station #5 (PS #5), including the addition of a detention pond.

If a developer advances funding for the PS #5 improvements, the developer would be eligible for reimbursement through the Basin C-2 Drainage Fee Program. Such reimbursement would occur through fee credits and/or cash reimbursements over time, pursuant to an executed reimbursement agreement.

Alternatively, an interim solution may be feasible if the developer incorporates an on-site retention facility, provided that no runoff attributable to the new development is discharged to the District's facilities. The developer shall bear the responsibility of demonstrating to the District's satisfaction that the proposed measures will be designed and constructed to prevent such discharge. A copy of the District's Policy for Retention Basins is available upon request.

- 42) Developer shall pay all Drainage Basin C impact fees, plus C-2 Surcharge fee prior to recording of a final parcel map or prior to any plan approvals which create additional impacts to the system for land within Drainage Basin C-2, whichever occurs first. Grading (which includes compaction of the parking areas, roadways, and pads) of the property shall be considered an impact to the system. The Basin C-2 Drainage Fee Program methodology was established to fully fund the necessary drainage system improvements and related costs required to serve new development in Drainage Basin C-2.
- 43) The project shall incorporate storm water quality control measures to the onsite improvements. The control measures are intended to serve as best management practices (BMPs) implemented to meet the standard of "reducing pollutants in urban runoff to the maximum extent practicable" established by the Regional Board and the U.S. Environmental Protection Agency. RD 784 has accepted use of Sacramento and South Placer Region standards in the Storm water Quality Design Manual.
- 44) No building permits shall be issued or finalized until all required Reclamation District No. 784 (RD 784) drainage improvements have been completed and are operational to the satisfaction of the District. Connection to the District's drainage system shall not be permitted until these improvements have been completed and accepted by the District.
- 45) All building pads shall be at least one foot above the 100-year base flood elevation in accordance with the best available information in the Reclamation District No. 784 Master Drainage Plan, Yuba County, and FEMA.
- 46) The 100-year base flood elevation shall be shown on the approved tentative map and all improvements plans.
- 47) All industrial, commercial, and residential properties, or open spaces adjacent to Reclamation District No. 784 facilities/right-of-way shall have a chain link fence at a minimum of six (6) feet in height with no climb mesh, metal picket fence, wrought iron, or solid wall (i.e. concrete, masonry block). There shall be a one (1) foot no access easement recorded in the deed along all common property lines with Reclamation District No. 784 lands. No structures shall be constructed within 50 feet of the south Yuba River Levee.
- 48) Stormwater quality is a major concern within Drainage Basin C and Basin C-2, as well as within the District's other drainage basins, and applicable stormwater quality requirements will be

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enforced. Runoff from the project area will enter the County storm drain system and be conveyed to Pump Station No. 5 (PS-5), where it will be pumped into the Bingham Canal. From there, flows will be conveyed to the Island Road Detention Basin, then to Pump Station No. 9 (PS-9), and finally discharged into the Algodon Canal (AKA Lateral 15). From this point, water may be pumped to the Feather River or, in some cases, may flow south by gravity to the Bear River.

- 49) Owner shall submit a copy of the parcel map and improvement plans to the District to determine conformance. The required plan check deposit for RD784 to review the plans will be \$1,800.00.

PLANNING DEPARTMENT:

- 50) Major modifications shall require an amendment to the Conditional Use Permit.
- 51) The project shall be constructed and operated in substantial compliance with the approved plans, including the site plan, elevations, and project description, except as modified by these Conditions of Approval.
- 52) All operations shall comply with the noise standards set forth in the Yuba County Development Code. Any complaints regarding excessive noise may result in review and potential modification or revocation of this Conditional Use Permit.
- 53) All exterior lighting shall be shielded and directed downward and away from adjacent properties and public rights-of-way. Lighting shall not create glare or light trespass onto adjacent properties.
- 54) Construction activities shall be limited to the hours specified in the Yuba County Development Code unless otherwise approved by the Community Development & Services Agency.
- 55) All landscaping installed as part of this project shall be permanently maintained in accordance with Chapter 11.24 of the Yuba County Development Code. Any dead or dying landscape shall be replaced in kind.
- 56) All outdoor storage areas shall be maintained in an orderly manner and shall be screened in accordance with Section 11.19 of the Yuba County Development Code.
- 57) The subject property shall consistently remain void of excessive junk, trash & debris. Accumulation of excessive junk, trash & debris, or any other waste matters visible on site or from public roadways may result in revocation of use permit approval.
- 58) Any relocation or rearrangement of any existing PG&E facilities to accommodate this project will be at the developer's/applicant's expense or as agreed by PG&E. There shall be no building of structures over any PG&E facilities or within any PG&E easements that exist within the subject area.
- 59) Any and all physical improvements associated with this Conditional Use Permit shall be maintained to the standards specified in these Conditions of Approval set forth for this use permit. Failure to maintain said physical improvement(s) in said manner may be used as grounds for revocation of this use permit.
- 60) Should any prehistoric or historic artifacts, including human remains be exposed during construction and excavation operations, work shall cease, and the Community Development & Services Agency shall be immediately notified and will ensure adherence to CEQA Guidelines Section 15064.5(e). If apparent human remains are exposed, the County Coroner shall be

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consulted to determine whether any such materials require special treatment prior to resuming construction.

Alex Becerra

Alex Becerra
Planner II
Yuba County CDSA